

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

| | | |
|---------------------------------------|---|------------------------------|
| EVANS EQUIPMENT COMPANY, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CAUSE NO. 1:09-CV-208 |
| |) | |
| NBS TRUCKING. LTD., et al., |) | |
| |) | |
| Defendants. |) | |

OPINION AND ORDER

This case was removed to this Court from the Allen Superior Court by Defendants based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 2.) The Notice of Removal alleges that Plaintiff Evans Equipment Company, Inc., is an Indiana corporation with its principal place of business in the State of Indiana. (Notice of Removal ¶ 2.) It further articulates the citizenship of the Defendants, including NBS Logistics, LLC, which it states is “a Pennsylvania limited liability company with its principal place of business located in Erie, Pennsylvania and therefore a citizen of Pennsylvania.” (Notice of Removal ¶ 2.)

Defendants’ Notice of Removal, however, is inadequate. Of course, for purposes of determining diversity jurisdiction, “citizenship is what matters.” *Guar. Nat’l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 58-59 (7th Cir. 1996) (explaining that statements concerning a party’s “residency” are not proper allegations of citizenship as required by 28 U.S.C. § 1332); *see* 28 U.S.C. § 1332. And although the Defendants properly allege the citizenship of the parties who are corporations and natural persons, they do not do so for Defendant NBS Logistics, LLC.

A limited liability company’s citizenship “for purposes of . . . diversity jurisdiction is the citizenship of its members.” *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998).

Therefore, the Court must be advised of the citizenship of all the members of NBS Logistics, LLC to ensure that none of its members share a common citizenship with Plaintiff Evans Equipment Company, Inc. *Hicklin Eng'g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006). Moreover, citizenship must be “traced through multiple levels” for those members of NBS Logistics, LLC who are a partnership or a limited liability company, as anything less can result in a dismissal or remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

Therefore, Defendants are ORDERED to supplement the record forthwith as to the citizenship of NBS Logistics, LLC, tracing its citizenship through all applicable layers of ownership.

SO ORDERED.

Enter for this 4th day of August, 2009.

/S/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge